

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

9 WRIT PETITION NO.10537 OF 2015

SAGAR MAHADEV DHAVALÉ
VERSUS
THE HONBLE CHIEF JUSTICE AND OTHERS

...

Advocate for Petitioner : Mr. Wakure Sanjay A.
Mr. SR Yada, AGP for State;
Mr. Godbole R.J., Adv. For R/2 To 4.

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 4th December, 2015.

PER COURT :

1) Heard. This petition takes exception to impugned communication/order dated 28th August, 2014 issued by Respondent No.2. The petitioner further seeks a directions to Respondent No.3 to appoint the petitioner on compassionate ground on the post of Group-C or Group-D.

2) We have heard the learned Counsel for the parties; perused the reasons assigned by Respondent No.1 for rejecting the application of the petitioner for appointment on compassionate ground. The reasons for rejecting the application for giving employment

on compassionate ground are in terms of Guidelines Nos.7(a) and 10 of the Bombay High Court Revised Guidelines for appointment on Compassionate ground, 2007, (for short, the Guidelines of 2007) which read thus, -

"7. Eligibility

The Scheme shall apply only if;

(a) The family deserves immediate assistance for relief from financial destitution;

10. Limitation for making request for compassionate appointment:- Application for appointment on compassionate ground shall be made within one year of death in harness, however, in a suitable case, the Hon'ble the Chief Justice may consider request for compassionate appointment made after 1 year upto 2 years after the death of a Judicial employee."

3) It is the submission of learned Counsel for the petitioner that at the time of death of father of the petitioner, the petitioner was minor and he attained the age of majority in the year 2013 and thereafter an application for appointment on compassionate ground was submitted. It is further submitted that keeping in view the financial

hardships faced by the petitioner and the fact that he has attained majority in 2013, the respondents ought to have considered the prayer of the petitioner for appointment on compassionate ground favourably.

4) Upon hearing the learned Counsel for the petitioner and upon perusal of the Guidelines of 2007 and in particular clauses 7(a) and 10 thereof, we are of the opinion that the application filed by the petitioner has been rightly rejected. Admittedly, the application was not filed within a period of one year from the date of demise of father of the petitioner. Respondent No.1 can exercise the discretion, as contemplated under Clause 10 of the said Guidelines up to two years. In that view of the matter, we do not see any reason to entertain this petition and the same is accordingly rejected.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/